

MINUTES OF SPECIAL MEETING OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, APRIL 24, 2003 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001

Chairman Nelson called meeting to order at 7:30 p.m.

1. Roll call

Present: Joanne Shirkey, Ron Nelson, Cindy Kirkpatrick, Marianne Diss, Chuck Michel.
Also present: Tim Wiggle, Zoning, Planning, Code Enforcement Officer.

2. APPROVAL/AMENDMENTS TO AGENDA

Amended to add 3 A, Minutes of March 20, 2003. Wiggle: Member comments should be added to minutes.

Moved by Nelson, supported by Kirkpatrick, to approve the agenda as amended.

AYES: All. NAYES: None. MOTION CARRIED.

3. APPROVAL OF MINUTES OF MARCH 20, 2003

Moved by Michel, supported by Diss, to approve the minutes as presented, to reflect memo by Dorothy DeBoyer, Clay Township Office Manager, 4/23/03, minutes cannot be postponed.

AYES: Shirkey, Nelson, Diss, Michel. NAYES: Kirkpatrick. MOTION CARRIED.

4. ZONING BOARD OF APPEALS PREFACE

Chairman: The ZBA addresses mainly hardship based on lot size, location and/or shape or contour and location of existing buildings. We are guided by Section 27.04 of Ordinance #123 There are five members on the ZBA, all of whom are present tonight. Three (3) members must vote the same way for a motion to be granted for a variance. Three (3) members constitute a quorum. You may speak when so directed. Everyone will have a chance to speak. If a particular point gets belabored, the chairman has the right to limit debate. If you should not like the board's decision, whether you are the appellate or the public, you have the right to take it to the Circuit Court. You have twenty-one (21) days to file with the Circuit Court. When the appeal you're involved with has finished, you are welcome to leave or stay, whatever you wish.

5. APPEALS

2003-10

Interpretation, Schneider Marine Services

7116 Me Donald

Errors were made in the coloring of the map. Area showed as C2 and should be C3, Marina Operation. Will go to St. Clair County and then back to Clay Township Board. Township made mistake.

Diss: Why did he pay fee? Wiggle: A letter has already been submitted to Clay Township Board to refund the fee.

Nelson: No problem due to Township error.

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Motion by Shirkey, supported by Michel, C2 should be C3. Clay Township error should be corrected.

AYES: AIL NAYES: None. MOTION CARRIED.

2003-11 Allen Zakrewski 2855 Fruit Rd.

Appellate requesting to construct a new home. There is no address on vacant property.

Request for variance from Ordinance #123, to construct a new residence on property with an accessory structure. Property in question is in process of a lot split. The application was denied because Ordinance #123, section 2.02 and 3.01.

Nelson: When do you anticipate beginning construction? Appellate: As soon as approval.

Kirkpatrick: There is already an accessory structure before construction of the house. How big is the house compared to accessory building? Wiggle: Accessory structure is 36 ft. x 26 ft.

Public Participation: In favor:
No comment Opposed: No
comment. Close Public
Participation.

Motion by Kirkpatrick, supported by Michel, to approve request as presented, with \$5,000.00 bond or letter of credit to be returned after approval by Building Department, one year from date 4/24/03.

AYES: All. NAYES: None. MOTION CARRIED.

6. Member Comments

The FOIA letter sent to Pellerito and Me Koan, should be referred to Mr. McNamee, Clay Township Attorney.

Nelson: ZBA application discussed.

Michel: Application must be completed with all the information required or cannot be submitted to ZBA.

Kirkpatrick: Leave the application as is except add hardship. Use will not alter essential neighborhood character.

Wiggle: Use is described as purpose such as marina etc. versus height of house, use as family residence.

Wiggle: Discussion of building in front of home, road side. Appeal could have interpretation by Wiggle, due to township errors.

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Continued: Member Comment

Wiggle: Survey should be ten years or less, because changes could have been made.

**Motion by Diss, support by Michel, to require all surveys for appeals be no more than ten years old.
Will ask attorney for opinion.**

Ayes: AIL Naves: **None. Motion carried.**

Wiggle: Discussion of bonds or letter of credit being issued. ZBA depends on each case.

Diss: \$10,000.00 would be more realistic.

Kirkpatrick: Voted against the March 20, 2003. Members should have been able to add discussion at April 17, 2003 meeting.

7. Public Comment

None.

8. Adjournment

Moved by Kirkpatrick, supported by Shirkey, to adjourn at 8:10 p.m.

AYES: AH. NAYES: None. MOTION CARRIED.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary